

Appl. No. 09/809,661

REMARKS

Claims 1-18 are pending in the application. Claims 1-10 stand rejected in the instant Office Action. The Applicant gratefully acknowledges the Examiner's allowance of claims 11-18. The Applicant submits that claims 1-18 are in condition for allowance for at least the reasons presented below.

Claim Rejections under 35 U.S.C. 102

Claims 1-2, 5-7, and 10 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Eckles et al., US 4,326,940 (hereinafter "Eckles") for the reasons stated on page 2 of the Office Action. The Applicant respectfully traverses the outstanding rejections. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claim 1 recites a system for controlling the operation of equipment...which is...adjustable via at least one parameter setting. The system comprises "an analyzer module in communications with said equipment, said analyzer module monitoring said operation of said equipment and generating an operations analysis; a control host, said control host receiving said operations analysis and determining therefrom whether said equipment is operating efficiently, said control host being in communications with said equipment for adjusting said at least one parameter setting, wherein when said control host determines that said equipment is not operating efficiently, said control host adjusts said at least one parameter setting until said equipment is operating efficiently; and an access device in communication with said control host, said access device checking said operations analysis and said adjustment of said at least one parameter, and overriding said

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control host to provide corrective parameter settings for said equipment when a control loop mechanism provided by said system is drifting.”

The elements recited in the Applicant's claim 1, namely, an analyzer module, a control host, and an access device, each perform a function or process as described above. Neither these system elements, nor their corresponding processes as recited in claim 1, are taught or suggested by the Eckles reference. In fact, many of these processes are also recited in Applicant's claim 11, which has been allowed by the Examiner. Accordingly, the Applicant submits that claim 1 is not anticipated by Eckles and respectfully requests reconsideration of the outstanding rejection. Claims 2, 5-7, and 10 depend from what is an allowable claim 1. For at least this reason, the Applicant submits that claims 2, 5-7, and 10 are in condition for allowance and respectfully request reconsideration of the rejection.

Claim Rejections under 35 U.S.C. 103

Claims 3, 4, 8 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Eckles in view of Reid, US 6,458,262 B1 (hereinafter “Reid”) for the reasons stated on page 4 of the Office Action. Claims 3, 4, 8, and 9 depend from what is an allowable claim 1. For at least this reason, and for the reasons set forth above, the Applicant submits that claims 3, 4, 8, and 9 are also allowable. Reconsideration of the rejections is respectfully requested.

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Conclusion

In view of the foregoing amendments and remarks, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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Date: January 7, 2005